S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5967/2007
(Dhapi Devi and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 10/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Mridul Jain for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioners that the first informant has been residing at her parents' house since 2005 for more than two and half years and she while going to her parents house, has taken all her belongings. A notice was served on the first informant through counsel on 4.7.2005 stating the facts that she has left the matrimonial home without reasonable and probable cause along with her all belongings. Thereafter, a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights has been filed by the husband of the first informant in the Court of Additional District Judge, Sujangarh and proceeding under Cr.P.C. has also been initiated against the first informant and her parents. He has placed on record the documents to this effect.

Having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioners u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Dhapi Devi W/o Rameshwar Lal, Rameshwar Lal S/o Late Bhebha Ram and Vishnu S/o Rameshwar Lal in FIR

No. 393/2007 P.S. Dungargarh, district Bikaner, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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